IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 141 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AJMAL GANESHBHAI SOLANKI

Versus

STATE OF GUJARAT

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Appearance:

MR JITENDRA MALKAN for the Petitioner

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CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 10/01/2001

ORAL JUDGEMENT

1. Heard Shri Jitendra Malkan, learned counsel for the petitioner on admission of this writ petition. The petition can be disposed of finally at the admission stage without issuing any notice to the respondents.

2. The facts giving rise to this petition are that the petitioner was selected by the Gujarat High Court for appointment to the Post of Civil Judge (J.D.) & J.M.F.C. and a merit list No.A-0725/98 dated 21-1-1998 was prepared. In the merit list, the petitioner's name figured at Serial No.22. Out of 110 selected candidates, 75 were given appointment by the respondent no.1, State

of Gujarat. Petitioner was not given appointment. The Government referred the matter to the High Court for examination, whether in view of police complaints registered against the petitioner, he could be appointed to the Post of Civil Judge (J.D.) & J.M.F.C. Upon receipt of this communication, the Registrar of the Gujarat High Court issued a show-cause notice dated 5-10-2000 to the petitioner giving necessary details and the petitioner was asked to submit his reply within two weeks from the date of receipt of this letter vide Annexure-'A'. The petitioner submitted reply on 14-10-2000 vide Annexure-'B'. It is averred in the petition that the petitioner was given personal hearing by the High Court on 10-11-2000 but, so far no decision has been taken by the High Court, nor any decision has been communicated to the petitioner. The petitioner has, therefore, sought a direction that decision may be taken by the respondent no.2 keeping in view the show-cause notice Annexure-'A' and the reply of the petitioner Annexure-'B' at the earliest, in as much as, the petitioner is suffering mental agony.

3. If, personal hearing was given to the petitioner on 10-11-2000, the decision could be taken by now. As such, the petition is finally disposed of with a direction to the respondent no.2 to decide the reply of the petitioner Annexure-'B' to show-cause notice Annexure-'A' issued by the Registrar of the Gujarat High Court within a period of two months from today.

January 10, 2001. [ D.C. Srivastava, J.]